

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 15, 2002

D037804 People v. Resendiz et al.

The appellants' convictions for theft of a firearm (Pen Code, Section 487, subd. (d)) are reversed; the judgments are affirmed in all other respects. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D036680 McGinnis v. Baxter Healthcare Corporation et al.

Order modifying opinion and denying petition for rehearing. (No change in judgment).

D037880 In re the Marriage of Habib

The orders are affirmed. Husband shall recover costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D040419 Edward B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The July 1, 2002, order is not the order that referred to a section 366.26 hearing and therefor is not reviewable by a Rule 39.1B petition for extraordinary writ. The case is dismissed.

D038804 In re Anthony R., a Juvenile

The appeal is dismissed as moot. Nares, J.; We Concur: Benke, J., Acting P.J., McIntyre, J.

Court convened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Judith McConnell
Clerk: D. E. Moore

D037142 People v. Verlinde

D040061 In re Verlinde on Habeas Corpus

Cause called on merits. Susan K. Keiser, Esq. argued for appellant. Teresa Torreblanca, Deputy Attorney General argued for respondent. Ms. Keiser replied. Cause submitted as to appeal ONLY, D037142.

Court adjourned at 1:50 p.m.

D040439 Williams et al. v. Superior Court of San Diego County/Simmons

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 16, 2002

D040376 James-Dunn v. Superior Court of San Diego County/Terronez

The petition is denied.

D038962 People v. Vazquez

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

D035776 People v. McCloud

The petition for rehearing is denied.

D040420 Wuerfel v. Superior Court of San Diego County/Wuerfel

The petition is denied.

D038276 Lawrence et al. v. Manry

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D038814 People v. Phipps

Judgment affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D039130 In re C.T., a Juvenile

The true finding under section 300 is reversed. The order placing C. with Leslie and terminating jurisdiction is affirmed. CERTIFIED FOR PUBLICATION. McDonald, J.;

We Concur: Nares, Acting P.J., Haller, J.

D037521 Kumeta v. City of San Diego et al.

The order is reversed to the extent it denied the requested declaratory relief discussed in this opinion; in all other respects, the order is affirmed. The matter is remanded to the superior court with directions to modify the order consistent with this opinion. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D039383 People v. Rawlinson

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

D038975 People v. Castellani

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D039423 People v. Wells

The judgment is affirmed. Kremer, P.J.; We Concur: Nares, J., McIntyre, J.

D039478 People v. Villar

Judgment affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 16, 2002 (Continued)

D036967 People v. Cardozo

The judgment is reversed. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D037191 People v. Delgado

The conviction of possession of methamphetamine is reversed. The trial court shall amend the abstract of judgment accordingly and forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. McConnell, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D040321 Sherry H. et al. v. Superior Court of the County of San Diego/San Diego County
Health and Human Services Agency**

The attorney for petitioner Dan B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Dan B. is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 17, 2002

D039088 People v. Walker

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D037419 Giles et al. v. Horn, as County Supervisor, etc., et al.

D037873 (consolidated) The judgment is reversed and the matter is remanded to allow plaintiffs' claim that contracting out case management functions under the CalWORKS program is not more economical and efficient than having these functions be performed by civil service employees proceed to a determination, consistent with this opinion. The court is further ordered to dismiss as moot plaintiffs' claim challenging the validity of the contents on the basis that the County violated the County Charter by failing to perform an economy and efficiency determination prior to contracting. The order awarding plaintiffs attorney fees is reversed. The parties are to pay their own costs on appeal. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: McIntyre, J., McConnell, J.

D035441 People v. McDonald

The judgment is affirmed. Kremer, P.J.; We Concur: Haller, J., McIntyre, J.

D037167 Butler v. Johnson Controls, Inc., et al.

The judgments are reversed. Appellant is awarded costs on appeal. Kremer, P.J.; We Concur: Benke, J., Nares, J.

D038587 City of San Diego et al. v. Furgatch et al.

D038751 Furgatch v. City of San Diego et al.

D038879 Skane et al. v. City of San Diego/Public Facilities Financing Authority of the City of San Diego et al.- RPIs

The judgments are affirmed. Respondents are entitled to costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

D040436 in re Kimberly C., a Juvenile

The notice of appeal filed July 11, 2002 in Superior Court case number NJ10369F is dismissed as untimely.

D040447 People v. Nouri

The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 18, 2002

D037079 Osterman v. Federal Express Corporation et al.

The judgment is affirmed. Respondents to recover their costs on appeal. Benke, J.;
We Concur: Kremer, P.J., Nares, J.

D034328 Straub v. Emerson et al.

The judgment is affirmed. Costs are awarded to respondent. Benke, J.; We Concur: Kremer, P.J.,
Nares, J.

D040194 In re Cain on Habeas Corpus

The petition is denied.

D039564 In re Alve on Habeas Corpus

The petition is denied as moot

D039552 Federal Insurance Company v. Truck Insurance Exchange

Upon written stipulation filed by the parties, the appeal is dismissed.

D037413 Banks et al. v. Rabb et al.

The judgment is affirmed. Kremer, P.J.: We Concur: Benke, J., Nares, J.

D034892 People v. Munoz

D036183 People v. Munoz

The petition for rehearing is denied.

D040155 Marriott International, Inc. v. Workers' Compensation Appeals Board/McGrew

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 19, 2002

D040125 In re E. D., a Juvenile.

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039525 Brown v. Superior Court of San Diego County/People

Let a writ of mandate issue ordering the Superior Court of San Diego County to vacate its order imposing polygraph condition 10(o) and to enter an order imposing periodic polygraph testing as condition of probation that limits the questions allowed to those relating to the successful completion of the court mandated stalking therapy program and the crime of which Brown was convicted. Payment of the costs of such testing shall not be included in this condition of probation. Before the court may order Brown to pay any or all of the reasonable costs of the polygraph testing, it must, pursuant to section 1203.1b, make an inquiry and =determination as to Brown's ability to pay and determine the amount of payment. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

D040167 In re Wendy L. et al., Minors

The appeal is dismissed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039429 People v. Garcia

Judgment affirmed. Benke, J.; We Concur: Kremer, P.J., McDonald, J.

D040288 Clark et al. v. Obenchain et al.

Pursuant to California Rules of Court, rule 8, the appeal filed June 10, 2002 is dismissed for Appellant's failure to timely designate the record (Cal Rules of Court, rules 4(a) and 5(a)).

D040464 Parker v. San Diego County Superior Court/People

Introduction or discussion in the penalty phase of the videotape interview of petitioner by Dr. Jack Shale is stayed pending further order of this court. The People are directed to file a response to the petition on or before Wednesday, July 24, 2002, at 5 p.m.

D040195 In re Turner on Habeas Corpus

The petition is denied.

D040211 Teresa A. v. Superior Court of the County of Imperial/Imperial County Department of Social Services

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.